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## EDITORIALS.

### Locking the Files

**T**he steady erosion of the Freedom of Information Act continues to disfigure the internal security landscape in the Reagan era. On April 11, the House Intelligence Committee began a public markup of an Administration bill that would largely exempt Central Intelligence Agency "operational files" from public scrutiny under the F.O.I.A. [see Angus Mackenzie, "The

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*Michael T. Klare*

*Donna Eyleth*

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*Operational Files Exemption,"* *The Nation*, September 24, 1983]. Later this month, the House Government Operations Subcommittee on Information will consider the bill. Both bodies are expected to make only minor language changes; then the bill will go to the floor for a vote. The Senate has already approved the exemption. Following the predicted passage in the House and resolution of differences in a House-Senate conference, President Reagan will sign the final bill. Then hundreds of thousands of documents—no one knows the extent of the material—detailing the C.I.A.'s

domestic and foreign programs of disinformation, surveillance, recruitment of informers, subversion and assassination will be officially and irrevocably closed to press and public.

It is not that C.I.A. files have been easily pried open in the past. All the agency's files that relate to national security matters or that might reveal confidential sources or investigative techniques are exempt from F.O.I.A. requests. Civil libertarians who support the exemption say that operational files contain only unreleasable material and so the bill's passage will not reduce the current flow of information. But the blanket exemption would preclude many of the kinds of suits journalists and researchers now bring against the C.I.A. in Federal court for relevant papers. Those suits force the agency to justify its claims when national security is invoked; judges then review the raw files in their chambers and decide whether the documents should be released. The C.I.A. has not lost a single such suit in eighteen years, but even the possibility that a rogue judge could rule against the agency worries the spymasters enough to press for the exemption.

Even suits pending in Federal courts may be removed from judicial review by the Senate's version of the law. Last year, Democratic Senator Patrick J. Leahy of Vermont, a member of the Senate Intelligence Committee, asked the C.I.A. which of the sixty-odd suits then in litigation might be dismissed if the exemption passed. The agency specified twelve that "may be affected," and Angus MacKenzie, of the Center for Investigative Reporting, obtained a list of them for *The Nation*.\* It includes the following:

§ Glen L. Roberts, owner of a computer software company and publisher of a newsletter that provides "a fresh outlook on government arrogance," requested C.I.A. files on David S. Dodge, former acting president of the American University of Beirut, who was kidnapped in Lebanon in July 1982 and was subsequently released.

§ The Center for National Security Studies, an A.C.L.U. affiliate, initiated two suits. The first seeks information about the C.I.A.'s covert operations in Central America, including details of its involvement in El Salvador's March 1982 election. The second is an omnibus suit covering a wide range of center requests under the F.O.I.A. that the C.I.A., in effect, simply ignored. One request relates to the agency's files on its domestic operations against various organizations and publications. In response to the suit, the C.I.A. released some documents on the Students for a Democratic Society, the Vietnam Veterans Against the War, various bookstores which carry radical reading material, left-wing newspapers, an anti-war convention held in 1972 at the University of California and Pacific News Service. The center continues to press for more documents, but the C.I.A. hopes to get the suit dismissed under the exemption.

§ J. Gary Shaw of Cleburne, Texas, is trying to get C.I.A. files on suspects in the John F. Kennedy assassination case, including right-wing French terrorists reported to have been in Dallas on November 22, 1963.

§ Henry Hurt, a *Reader's Digest* writer, is researching C.I.A. involvement in the case of a Soviet defector,

Nicholas George Shadrin, who disappeared in Vienna on December 20, 1975, and is presumed dead—the victim of a botched double-agent masquerade.

§ A suit is pending against the C.I.A. for files on the agency's infiltration of the underground, dissident and left-wing press in the United States. Publications believed to have been targeted include *Ramparts*, *Quicksilver Times* (both defunct) and the New York City-based *Guardian*.

On March 15, Representative Romano Mazzoli and others introduced a bill (H.R. 5164) to permit all suits filed before February 7 to continue. Even if the ongoing suits are saved, they serve as examples of what would be thrown out of court under the exemption.

In many cases, the C.I.A. has released some files, apparently in an attempt to head off unfavorable judicial rulings. Sometimes the agency simply stonewalls. In one of the most egregious cases of official obstinacy, the C.I.A. has refused to release a single page of some 180,000 documents on the Guatemala coup of 1954, by which the agency overthrew the elected government of Jacobo Arbenz Guzmán and installed a right-wing regime whose successors rule to this day.

Writer Stephen Schlesinger, who with Stephen Kinzer published a thorough study of the coup in a 1982 book, *Bitter Fruit*, sued the C.I.A. for its files on the events. Recently his request was denied by the U.S. District Court for the District of Columbia. Judge Thomas Flannery held that disclosure would be "risking damage to American-foreign relations . . . particularly in Central America at this time in light of the delicate political situation." No doubt he was referring to U.S. covert operations against the Nicaraguan government, which are distressingly similar to those carried out by the C.I.A. in Guatemala thirty years ago.

What is in the mountains of C.I.A. operational files is not just of academic or historic interest. Much of it is still pertinent to dirty tricks and drastic practices in progress today. No one claims it will be easy to scotch such schemes, but when the press, the public and independent political forces have access to intelligence information, they are better able to prevent history from being repeated.

## Hunger in Africa

Last month the Reagan Administration attached a controversial military appropriations bill for Central America to a popular measure for emergency food aid to Africa. Because of that cynical maneuver thousands on that continent continue to die, victims of the worst drought there in recent memory.

Emergency food aid for Africa has strong bipartisan support. In January, Republican Senator John Danforth visited an area in southern Mozambique that is suffering terrible famine. His group saw skeletons of cattle lying where they had died in dry basins that had once been small lakes. Refugees from interior regions of the country had fled to the coast, although there was little more to eat there than leaves and roots. A U.S. Air Force doctor with Danforth's group

\* MacKenzie's research was partially funded by a grant from the Fund for